

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Squad #3	CCRB Case #: 201504811	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 06/01/2015 6:35 PM	Location of Incident: § 87(2)(b)	Precinct: 60	18 Mo. SOL 12/1/2016	EO SOL 12/1/2016	
Date/Time CV Reported Mon, 06/01/2015 7:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/12/2015 12:44 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Contessa	28493	901356	060 PCT
2. POM Imad Beydoun	15633	950077	060 PCT
3. POM Edward Fastaia	09907	937905	060 PCT
4. POM Mobeen Yasin	26696	948285	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Contessa	Force: PO Anthony Contessa used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Imad Beydoun	Force: PO Imad Beydoun used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Edward Fastaia	Force: PO Edward Fastaia used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Mobeen Yasin	Force: PO Mobeen Yasin used pepper spray against § 87(2)(b)	§ 87(2)(b)
E.POM Mobeen Yasin	Force: PO Mobeen Yasin struck § 87(2)(b) with a baton.	§ 87(2)(b)

### Case Summary

On June 1, 2015, Sgt. Alberto Espinal of the 60<sup>th</sup> Precinct called the command center to report an injured prisoner, § 87(2)(b). IAB generated log number 15-121 and referred the case to the CCRB on June 12, 2015. On June 2, 2015, ADA Laura Edidin of the Brooklyn District Attorney's Office filed this complaint on behalf of § 87(2)(b) and § 87(2)(b) with IAB over the phone. IAB generated log number 15-16107 and referred the case to the CCRB on June 16, 2015 (Board Review 01).

On June 1, 2015, at approximately 4:35 p.m., PO Imad Beydoun, PO Anthony Contessa, PO Edward Fastaia and PO Mobeen Yasin of the 60<sup>th</sup> Precinct responded to a radio run for an assault in progress at § 87(2)(b) in Brooklyn. They encountered the 911 caller, § 87(2)(b) outside. She informed them that her son, § 87(2)(b) hit her with a dog leash. She led the officers to her apartment where they attempted to place § 87(2)(b) under arrest, but he refused to give them his hands and pulled away from their reach. PO Contessa, PO Beydoun and PO Fastaia punched § 87(2)(b)'s face, back and sides (**Allegations A, B and C**). PO Yasin pepper-sprayed him and allegedly struck his face and head with a baton (**Allegations D and E**).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Mediation, Civil and Conviction Histories

- This case was unsuitable for mediation because of an IAB investigation, a civilian injury, an officer injury and an arrest.
- As of August 25, 2015, no Notice of Claim with regard to this incident had been filed with the City of New York.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilians and Officers CCRB Histories

- § 87(2)(b)
- PO Contessa has been a member of the NYPD for 23 years and has had 13 previous CCRB allegations involving nine cases. In CCRB case number 9403234, an allegation that he hit a civilian's head against a wall was substantiated against PO Contessa. The NYPD imposed no disciplinary action.
- PO Fastaia has been a member of the NYPD for 10 years. This is the first CCRB complaint made against him.
- PO Beydoun has been a member of the NYPD for four years and has had six previous CCRB allegations involving two cases without any substantiated allegations. § 87(2)(g)

- PO Yasin has been a member of the NYPD for six years and has had ten previous CCRB allegations involving four cases without any substantiated allegations. § 87(2)(g)

### **Potential Issues**

- § 87(2)(b) provided only a phone statement. He did not cooperate with the investigation's attempts to obtain a sworn statement from him as per advice from his attorney because of his pending criminal case. As a result, no medical records were obtained.

### **Findings and Recommendations**

#### **Allegations not pleaded**

- **Gun pointed:** § 87(2)(b) alleged that an officer pointed and placed his gun against § 87(2)(b)'s head. § 87(2)(g) § 87(2)(b) did not make this allegation, § 87(2)(g)
- § 87(2)(g)
- **Physical force:** § 87(2)(b) alleged that officers kicked § 87(2)(b) after he was handcuffed on the ground. § 87(2)(g) he did not make this allegation, § 87(2)(g)

#### **Allegation A -Force: PO Anthony Contessa used physical force against § 87(2)(b)**

#### **Allegation B -Force: PO Imad Beydoun used physical force against § 87(2)(b)**

#### **Allegation C -Force: PO Edward Fastaia used physical force against § 87(2)(b)**

#### **Allegation D -Force: PO Mobeen Yasin used pepper spray against § 87(2)(b)**

#### **Allegation E -Force: PO Mobeen Yasin struck § 87(2)(b) with a baton.**

§ 87(2)(b) provided a telephone statement on June 19, 2015 (Board Review 05). She provided a sworn statement on June 23, 2015 (Board Review 06). PO Fastaia, PO Contessa and PO Beydoun approached and surrounded § 87(2)(b) to arrest him. He refused to give them his hands, and waived and pulled away his hands while the officers tried to grab them. The three officers punched his back and side (torso) about five to ten times with closed fists. They pushed his back against the window. PO Yasin attempted to swing his baton twice at § 87(2)(b) but § 87(2)(b) grabbed it before he could make any contact. PO Fastaia, PO Contessa and PO Beydoun held onto his left wrist, but he held his right hand stiff

near his head, refusing to allow them to pull it down. They eventually got it down and handcuffed both hands. While holding onto his arms, the three officers pushed him forward, causing him to land face down on the carpet. PO Yasin ran towards § 87(2)(b) who was screaming face down, and struck the right side of his face with the baton. He bled from his mouth.

On June 19, 2015, § 87(2)(b) provided a telephone statement (Board Review 07). He did not cooperate with the CCRB's attempts to obtain a sworn statement. § 87(2)(b) told the officers to get out and refused their orders to leave the apartment. All four officers approached him. One officer grabbed one of his hands, while another grabbed the other. PO Contessa handcuffed him and then punched the right side of his face. PO Fastaia and PO Beydoun punched the left side of his mouth. PO Yasin hit the left side of his head with a baton. § 87(2)(b) got on the ground on his own. No officer brought him down. PO Beydoun pepper sprayed him. An officer, who he could not see, struck him twice in the mouth with a baton. § 87(2)(b) was taken to § 87(2)(b). He sustained broken teeth and small scratches and bruises on the right side of his mouth. He received 12 stitches on the right side of his mouth.

Because he did not appear to a sworn statement, § 87(2)(b)'s medical records from § 87(2)(b) could not be obtained. Sgt. Alberto Espinal of the 60<sup>th</sup> Precinct reported to IAB that § 87(2)(b) sustained a cut to his bottom lip requiring multiple stitches (Board Review 01). His arrest photo shows a cut to his bottom lip and blood directly below, but no other visible injuries (Board Review 08). The medical treatment of prisoner report notes that he sustained an injury to his face (Board Review 09). His command log entry lists his physical and mental condition as an emotionally disturbed person (Board Review 10).

§ 87(2)(b) § 87(2)(b)'s roommate at the time of the incident, provided a telephone statement on July 24, 2015 (Board Review 11). He heard the officers come in, but he never opened his bedroom door or looked outside. He overheard no incident.

PO Contessa was interviewed at the CCRB on July 22, 2015 (Board Review 12). PO Contessa placed a handcuff on § 87(2)(b)'s right hand. § 87(2)(b) immediately pushed his entire body into PO Contessa, punched and hit his right shoulder and kicked his lower torso and chest area two to three times. PO Beydoun tried to grab § 87(2)(b)'s arms, but he pushed PO Contessa into the wall and punched PO Beydoun on his head and back numerous times. PO Contessa held onto the loose handcuff as § 87(2)(b) continued to push against him. PO Contessa punched the center of § 87(2)(b)'s face six or seven times, as he in turn struck him and PO Beydoun. § 87(2)(b) was uncontrollable. He continuously pushed the officers. PO Beydoun punched § 87(2)(b) around his body. PO Contessa pulled the loose handcuff forward as PO Beydoun pushed § 87(2)(b) from behind to the ground. On the ground, his loose arm was underneath his body. He kicked his legs. No officer struck § 87(2)(b) while he was on the ground. PO Contessa did not see any officer use his baton. After a five minute struggle, the officers were able to pull his arm out from underneath him and handcuff him. PO Contessa stated that pepper-spray was administered on § 87(2)(b).



§ 87(2)(g)

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Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date